

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF ALABAMA
SOUTHERN DIVISION**

DONALD LEE CARLTON,	:	
Petitioner,	:	
v.	:	CIVIL ACTION 11-0101-CG-M
UNITED STATES OF AMERICA,	:	CRIMINAL ACTION 06-00267-CG-M
Respondent.	:	

ORDER

After due and proper consideration of all pleadings in this file, and there having been no objections filed, the Recommendation of the Magistrate Judge made under 28 U.S.C. § 636(b)(1)(B) is adopted as the opinion of this Court.

It is **ORDERED** that Respondent's Motion to Dismiss (Doc. 38) be **GRANTED** and that Petitioner's Motion to Vacate, filed pursuant to 28 U.S.C. § 2255 (Doc. 41), be **DISMISSED**. It is further **ORDERED** that Petitioner's application for a certificate of appealability be **DENIED**.

DONE and **ORDERED** this the 12th day of September, 2011.

/s/ Callie V. S. Granade
UNITED STATES DISTRICT JUDGE